



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Handwritten signature/initials

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/985,576	12/05/97	WESTERMAN	L 7146007

LM31/1002
CHERNOFF VILHAUER MCCLUNG & STENZEL
1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND OR 97204

EXAMINER

DESIRE, G

ART UNIT	PAPER NUMBER
----------	--------------

2721

DATE MAILED: 10/02/00

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/985,576

Applicant(s)
Larry Alan Westerman

Examiner
Gregory Desire

Group Art Unit
2721



☒ Responsive to communication(s) filed on Sep 13, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-36 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-36 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2721

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 9/13/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/985,576 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Amendment

2. Applicant's arguments filed in view of 35 U.S.C 103 have been fully considered but they are not persuasive and are thus maintained. See response to arguments below.

Response to Arguments

3. Applicant argues (remarks page 4 lines 15-17) Yamasaki does not disclose non-closed loop portion includes multiple points of the at least one image that an eye of a viewer observes (note fig. 4, 5 and 6 in connection with col. 6 lines 8-10) (Figure shows the eye of a viewer which observes a line of sight of a desired area in the image plane. Figure 6 shows the an actual image plane. The image plane is non-closed loop as described in specification page 8 lines 22 as general region of interest non-closed region have multiple points.

Art Unit: 2721

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamasaki (5,627,586).

Regarding claims 1, 12, 19, and 27-29 Yamasaki et al discloses,

(A) an imaging device that at least one of the obtains and presents at least one image (note fig. 1 block 10). (Shows a video camera. It is inherent for a camera to obtain and present at least one image.);

(B) an eye gaze system associated with said imaging device that determines a non-closed loop portion including multiple points of said at least one image that an eye of a viewer observes wherein said viewer observes each of said multiple points (note specification page 8, lines 22-25)(Yamasaki, fig. 4,5, and 6 in connection with col. 6 lines 7-10) (The examiner interprets normal gaze information viewed observing, as opposed to a closed loop region as Gaze

Art Unit: 2721

information being a non-closed loop region, within a non-closed region there a multiple points.

Figure 6 shows an image plane, wherein normal gaze information is viewed by viewer.)

(C) said image system associating said at least one image with said portion of said at least one image (note fig. 6). Wherein the s_1 is a region in the image plane, thus there is some association with the image.

(D) an image processor that identifies the content represented by said at least one image based on the content of the image together with said portion (note fig. 1, block 18; Shows processing unit)

Regarding claims 2, 19, and 29 Yamasaki disclose,

wherein said imaging device is at least one of a film based camera, a digital based still camera, and a digital based video camera (note fig. 1 block 10). The imaging device is described as a video camera.

Regarding claim 3 Yamasaki disclose,

wherein said imaging device presents said at least one image to said user at a time subsequent to recording said image. This is inherent in a camera to present an image to a user at a time subsequent to recording an image.

Art Unit: 2721

Regarding claims 4, 20 and 30 Yamasaki disclose,

where said eye gaze system is integral with said imaging device (Yamasaki; note fig 3 in connection with col 6. lines 1-2). Eye gaze system is a member of the video camera.

Regarding claims 5, 7, 14-16, 21-23 and 31-33 Yamasaki disclose,

wherein said non-closed loop portion is within said at least one image (Takagi; fig. 6).

The examiner interprets the block 102 to be an image plane (image). Non closed loop is within the image plane. Non closed loop is a point with the image zone. Non closed loop is a region of the image zone.

Regarding claims 8, 24, and 34 Yamasaki disclose,

wherein said image system associated is storing said loop portion on a recording media of said image device (Yamasaki; note col. 2 lines 30-35). The image device stores image signal of images within image zones.

Regarding claims 9, 25, and 35 Yamasaki disclose,

wherein said loop portion is used at the basis to define a closed loop portion (Yamasaki; note fig. 2a). Figure shows a gazing point of the image plane examiner interprets as closed loop. The points within non-closed loop defines the closed loop portion.

Art Unit: 2721

Regarding claims 10, Yamasaki disclose,

wherein said at least one image is said obtained substantially contemporaneously with said non-closed loop portion (Yamasaki, note fig. 6). The examiner interprets image plane as an image. Once the tracking system is focus on a loop it is occurring contemporaneously with the image plane.

Regarding claim 11 Yamasaki disclose,

further comprising an image processor that identifies the content of said at least one image based on the content of the image together with said non-closed loop portion (note fig. 1 block 18). The examiner interprets the CPU as image processor which identifies the contents of the whole image plane.

Regarding claim 13 Yamasaki disclose,

wherein said gaze information is transformed into a closed loop portion of said image and said image processor analyzes said image based at least in part on said image itself together with said closed loop portion to determine the content of said image (note col. 3 lines 47-50). The correlation calculation means analyze the image signals with reference signals. This is done in the cpu.

Regarding claim 17 Yamasaki disclose,

Art Unit: 2721

wherein said image processor includes at least one of shape identification, texture identification, color identification, and spatial identification (note fig. 12 in connection with col. 5 lines 23-25). Yellow and cyan separation identifies color.

Regarding claims 18 Yamasaki disclose,

further comprising storing said content in a database (note fig. 1 block 22 and 24). The examiner interprets ram and rom as data base where information is stored.

Conclusion

6. This is a continuation of applicant's earlier Application No. 08/985,576. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2721

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900

G.D.

September 28, 2000



LEO H. BOUDREAU
SUPERVISORY PATENT EXAMINER
GROUP 2700